

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESAL PRICE)	
LITIGATION)	MDL No. 1456
)	Civil Action No. 01-12257-PBS
)	
THIS DOCUMENT RELATES TO:)	Hon. Patti B. Saris
)	
<i>United States of America, ex rel. Ven-a-Care</i>)	Magistrate Judge Marianne B. Bowler
<i>of the Florida Keys, Inc., v. Abbott</i>)	
<i>Laboratories, Inc.,</i>)	
CIVIL ACTION NO. 06–CV-11337-PBS)	

NOTICE TO THE COURT OF MOTION FULLY BRIEFED

For the sake of judicial economy and efficiency, the United States of America,¹, through counsel, respectfully provides the Court the following notice. The parties to the case captioned above, *United States ex rel. Ven-A-Care v. Abbott Laboratories*, are scheduled to appear before Magistrate Judge Marianne B. Bowler to hear argument on January 30, relating to four motions filed by the parties in this case, specifically motions on docket numbers 3105, 3436, 3512, 3533.² On January 9, 2007, the United States filed a Motion to Compel Abbott to Produce All Discovery Required by CMOs 5 and 10. Dkt. No. 3529. Abbott filed its response to the motion. Dkt. No. 3583. Therefore the matter has been fully briefed by the parties. We hereby notify the Court of this fact, should the Court find it convenient and efficient to hear this additional motion while out-of-town counsel are appearing before the Court on the other motions filed in this case.

¹Relator, through counsel, consents to the filing of this notice. Defendant, Abbott Laboratories (“Abbott”) through counsel, does not consent to the filing of this notice.

²Two of the pending motions to be argued relate to the same subject matter. See Abbott's Motion to Compel Production of *Ex Parte* Filings (Dkt. No. 3436) and Abbott's Motion for Compliance with JPML Rule 1.6 and Motion for Leave to File Reply Brief (Dkt. No. 3533).

Respectfully submitted,

For the United States of America,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above **NOTICE TO THE COURT OF MOTION FULLY BRIEFED** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: January 24, 2007

/s/ Renée Brooker
Renée Brooker